

By: Sheffield

H.B. No. 404

A BILL TO BE ENTITLED

AN ACT

relating to prohibitions on certain employment and volunteer activity for sex offenders required to register for life.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article 62.063, Code of Criminal Procedure, is amended to read as follows:

Art. 62.063. PROHIBITED EMPLOYMENT AND VOLUNTEER ACTIVITY.

(a) In this article:

(1) "Amusement ride" has the meaning assigned by Section 2151.002, Occupations Code.

(2) "Bus" has the meaning assigned by Section 541.201, Transportation Code.

(3) "Playground," "premises," "school," "video arcade facility," and "youth center" have the meanings assigned by Section 481.134, Health and Safety Code.

(b) A person whose duty to register ~~[subject to registration]~~ under this chapter expires under Article 62.101(a) ~~[because of a reportable conviction or adjudication for which an affirmative finding is entered under Article 42.015(b) or Section 5(e)(2), Article 42.12, as appropriate]~~ may not:

(1) ~~[7]~~ for compensation:

(A) ~~[(1)]~~ operate or offer to operate a bus;

(B) ~~[(2)]~~ provide or offer to provide a passenger taxicab or limousine transportation service;

1 (C) [~~3~~] provide or offer to provide any type of
2 service in the residence of another person unless the provision of
3 service will be supervised; or

4 (D) [~~4~~] operate or offer to operate any
5 amusement ride; or

6 (2) regardless of any compensation received:

7 (A) supervise or participate in any program that
8 includes as participants or recipients persons who are 17 years of
9 age or younger and that regularly provides athletic, civic, or
10 cultural activities; or

11 (B) provide or offer to provide any type of
12 service at a premises where children commonly gather, including a
13 school, day-care facility, playground, public or private youth
14 center, public swimming pool, or video arcade facility.

15 SECTION 2. Article 62.053(a), Code of Criminal Procedure,
16 is amended to read as follows:

17 (a) Before a person who will be subject to registration
18 under this chapter is due to be released from a penal institution,
19 the Texas Department of Criminal Justice or the Texas Juvenile
20 Justice Department shall determine the person's level of risk to
21 the community using the sex offender screening tool developed or
22 selected under Article 62.007 and assign to the person a numeric
23 risk level of one, two, or three. Before releasing the person, an
24 official of the penal institution shall:

25 (1) inform the person that:

26 (A) not later than the later of the seventh day
27 after the date on which the person is released or after the date on

1 which the person moves from a previous residence to a new residence
2 in this state or not later than the first date the applicable local
3 law enforcement authority by policy allows the person to register
4 or verify registration, the person must register or verify
5 registration with the local law enforcement authority in the
6 municipality or county in which the person intends to reside;

7 (B) not later than the seventh day after the date
8 on which the person is released or the date on which the person
9 moves from a previous residence to a new residence in this state,
10 the person must, if the person has not moved to an intended
11 residence, report to the applicable entity or entities as required
12 by Article [62.051](#)(h) or (j) or [62.055](#)(e);

13 (C) not later than the seventh day before the
14 date on which the person moves to a new residence in this state or
15 another state, the person must report in person to the local law
16 enforcement authority designated as the person's primary
17 registration authority by the department and to the juvenile
18 probation officer, community supervision and corrections
19 department officer, or parole officer supervising the person;

20 (D) not later than the 10th day after the date on
21 which the person arrives in another state in which the person
22 intends to reside, the person must register with the law
23 enforcement agency that is identified by the department as the
24 agency designated by that state to receive registration
25 information, if the other state has a registration requirement for
26 sex offenders;

27 (E) not later than the 30th day after the date on

1 which the person is released, the person must apply to the
2 department in person for the issuance of an original or renewal
3 driver's license or personal identification certificate and a
4 failure to apply to the department as required by this paragraph
5 results in the automatic revocation of any driver's license or
6 personal identification certificate issued by the department to the
7 person;

8 (F) the person must notify appropriate entities
9 of any change in status as described by Article 62.057; ~~and~~

10 (G) certain types of employment are prohibited
11 under Article 62.063 for a person with a reportable conviction or
12 adjudication for a sexually violent offense involving a victim
13 younger than 14 years of age and occurring on or after September 1,
14 2013, but before September 1, 2015; and

15 (H) if the person's duty to register under this
16 chapter expires under Article 62.101(a), certain types of
17 employment and certain types of volunteer activity are prohibited
18 under Article 62.063 for a person with a reportable conviction or
19 adjudication for an offense occurring on or after September 1,
20 2015;

21 (2) require the person to sign a written statement
22 that the person was informed of the person's duties as described by
23 Subdivision (1) or Subsection (g) or, if the person refuses to sign
24 the statement, certify that the person was so informed;

25 (3) obtain the address or, if applicable, a detailed
26 description of each geographical location where the person expects
27 to reside on the person's release and other registration

1 information, including a photograph and complete set of
2 fingerprints; and

3 (4) complete the registration form for the person.

4 SECTION 3. Article 62.058(f), Code of Criminal Procedure,
5 is amended to read as follows:

6 (f) A local law enforcement authority that provides to a
7 person subject to the prohibitions described by Article 62.063 a
8 registration form for verification as required by this chapter
9 shall include with the form a statement summarizing the types of
10 employment and the types of volunteer activity that are prohibited
11 for that person.

12 SECTION 4. (a) The change in law made by this Act in
13 amending Article 62.063, Code of Criminal Procedure, applies only
14 to a person who is required to register under Chapter 62, Code of
15 Criminal Procedure, on the basis of a conviction or adjudication
16 for an offense committed on or after the effective date of this Act.
17 An offense committed before the effective date of this Act is
18 governed by the law in effect on the date the offense was committed,
19 and the former law is continued in effect for that purpose.

20 (b) A person who is required to register under Chapter 62,
21 Code of Criminal Procedure, solely on the basis of a conviction or
22 adjudication that occurs before the effective date of this Act is
23 governed by the law in effect when the conviction or adjudication
24 occurred, and the former law is continued in effect for that
25 purpose.

26 SECTION 5. This Act takes effect September 1, 2015.